

Law No. 53-95 establishing Commercial Courts

Reference: Dahir No. 1-97-65 of 4 Chaoual 1417 (12 February 1997) promulgating Law No. 53-95

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Practice areas: Commercial law and debt recovery, Business law, Litigation, arbitration and mediation

Law 53-95 creates the Commercial Courts and the Commercial Courts of Appeal, sets their subject-matter and territorial jurisdiction and establishes a procedure suited to business life (mandatory representation by a lawyer, reporting judge, short time limits).

Jurisdiction

- Actions relating to commercial contracts, negotiable instruments, disputes between partners and businesses (fonds de commerce) (Art. 5).
- Jurisdiction at first and last instance for claims whose principal amount does not exceed 20,000 dirhams (Art. 6).
- The parties may agree to submit disputes falling within the jurisdiction of the Commercial Court to arbitration (Art. 5).
- Territorial jurisdiction: the defendant's domicile or, for contracts, the place where the contract was concluded or performed (Art. 10).

Procedure

- Representation by a lawyer is mandatory (Art. 13).
- The President of the Commercial Court rules in summary proceedings and issues payment orders based on commercial instruments (Arts. 21 and 22).
- Time limit for appeal of fifteen days from service of the judgment (Art. 18).

Key articles

ART. 5

The Commercial Courts have jurisdiction to hear actions relating to commercial contracts, actions between traders in connection with their commercial activities, actions relating to negotiable instruments, disputes between partners of a commercial company and disputes relating to businesses (fonds de commerce).

ART. 6

The Commercial Courts have jurisdiction to hear at first and last instance claims whose principal amount does not exceed twenty thousand dirhams and, at first instance, all claims of a higher value.

Points to watch

- The time limit for a commercial appeal (15 days) is shorter than the civil time limit (30 days).
- A private individual may sue a trader before the Commercial Court; the trader cannot impose that court on a non-trader.

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